

Remarks/Arguments

Reconsideration of this application is respectfully requested, in view of the following remarks.

I. Status of the Claims

After entry of this amendment, claims 1-11, 13 and 58 are pending.

Claim 1-10 are amended at the request of the Examiner to recite "or a pharmaceutically acceptable salt or individual diastereomer thereof."

Claim 1 is amended to define "heteroaryl" and "heterocycle." Support for the amendment is found in the specification at page 16, lines 25-31 (heteroaryl) and 10-16 (heterocycle).

Claim 12 is canceled.

Claim 13 is amended at the request of the Examiner to delete "controlling, ameliorating or reducing the risk," and to recite a method of treating headache.

New claim 58 is added. Support for new claim 58 is found in original claim 13.

II. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

The Examiner asserts that the terms "heteroaryl" and "heterocycle" are indefinite. In response, the claims are amended to recite that heterocyclic is "a stable 5- to 7- membered monocyclic- or stable 8- to 11-membered bicyclic heterocyclic ring system which is either saturated or unsaturated, and which consists of carbon atoms and from one to four heteraroms selected from the group consisting of N, O and S, and wherein the nitrogen and sulfur heteroatoms may optionally be oxidized, and the nitrogen heteroatom may optionally be quarternized, and including any bicyclic group in which any of the above-defined heterocyclic rings is fused to a benzene ring." The claims are also amended to recite that heteroaryl is "a stable 5- to 7- membered monocyclic- or stable 9- to 10-membered fused bicyclic heterocyclic ring system which contains an aromatic ring, any ring of which may be saturated."

The Examiner states that the phrase "and pharmaceutically acceptable salts and individual diastereomers thereof" should be rewritten as "or a pharmaceutically acceptable salt or individual diastereomer thereof." The claims are amended at the request of the Examiner.

In view of the action taken and arguments made, the indefiniteness rejections have been overcome.

III. Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 12 and 13 stand rejected under 35 U.S.C. § 112, first paragraph as lacking enablement.

In response, claim 12 is canceled, thereby obviating this rejection.

In response, claim 13 is amended at the request of the Examiner to delete "controlling, ameliorating or reducing the risk," thereby obviating the enablement rejections of claim 13.

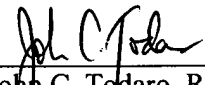
IV. Conclusion

In view of the foregoing, it is believed that all claims 1-11, 13 and 58 are not indefinite, and are enabled by the specification.

Favorable action is earnestly solicited.

Respectfully submitted,

By



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